



2026:AHC:66941-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 9993 of 2026

Chandrapal Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Lalit Kumar

Counsel for Respondent(s) : Akhilesh Kumar Sharma, C.S.C.

Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.**

1. Heard Shri Lalit Kumar, learned counsel for the petitioner, Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents, and Shri Akhilesh Kumar Sharma, learned counsel appearing for respondent no. 4, Yamuna Expressway Industrial Development Authority (YEIDA).

2. The instant writ petition has been preferred under Article 226 of the Constitution of India, inter alia, praying for issuance of a writ of mandamus declaring that the acquisition proceedings, initiated vide notification dated 26.02.2009 issued under Section 4 and notification dated 19.02.2010 issued under Section 6 of the Land Acquisition Act, 1894, in respect of the land in question, namely Khata No. 167, Khasra No. 996, measuring 0.7040 hectares, situated in Village Parasauli, Pargana Dankaur, Tehsil Sadar, District Gautam Buddh Nagar, has been lapsed under Sections 24 and 25 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "Act, 2013").

3. At the outset, learned counsel for the respondents has raised an objection regarding maintainability of the present writ petition on the ground that the petitioner had earlier preferred Writ-C No. 62594 of 2011 (***Nahar Singh and others vs. State of U.P. and others***), which was connected with Writ-C No. 16774 of 2010, wherein the acquisition proceedings in question were challenged. In the said proceedings, a Coordinate Bench of this Court, vide order dated 03.11.2011, granted an interim order directing the parties to

maintain status quo, without prejudice to their rights and contentions, with respect to the land of the petitioners situated in Village Parsaul, Pargana Dankaur, Tehsil Sadar, District Gautam Buddh Nagar, notified under the impugned notifications. The said writ petition was ultimately disposed of by a Coordinate Bench of this Court vide order dated 10.02.2025, in light of the judgment of the Hon'ble Supreme Court dated 26.01.2024 rendered in ***Kali Charan and others vs. State of U.P. and others, 2024 SCC OnLine SC 3472***. He submits that the Court, while relying upon the conclusions recorded by the Hon'ble Supreme Court in paragraph no. 42 onward, had disposed of the writ petition in terms of paragraph no. 45 of the said judgment, giving liberty to the petitioners to challenge the award separately in appropriate proceedings.

4. Learned counsel for the respondents further submits that the liberty so granted was limited to the extent that in case the petitioner was aggrieved by the quantum of compensation, he could avail appropriate remedies in accordance with law in independent proceedings. It is further submitted that thereafter the petitioner had preferred another writ petition bearing Writ-C No. 5291 of 2026, again challenging the acquisition proceedings, which was dismissed by this Court on the ground that the same amounted to a second writ petition for the same cause of action, particularly in view of the earlier decision in ***Nahar Singh*** (supra), which had been disposed of in light of the judgment in ***Kali Charan*** (supra).

5. In this backdrop, learned counsel for the respondents submits that the challenge to the acquisition notifications has already been negated, however, liberty was granted only to the limited extent as indicated in paragraph 45 of the judgment in ***Kali Charan*** (supra). The present writ petition, insofar as it seeks to assail the acquisition proceedings or to claim lapse thereof under Sections 24 and 25 of the Act, 2013, is not maintainable and is liable to be rejected.

6. Confronted with the aforesaid objection taken by learned counsel for the respondents, learned counsel for the petitioner fairly submits that the petitioner had earlier instituted Writ-C No. 62594 of 2011, wherein an interim order was accorded by the Coordinate Bench of this Court on 03.11.2011. No doubt, on account of pendency of the said writ petition, the final award could not be made well within stipulated time but finally, the writ petition was disposed of by the Division Bench vide order dated

10.02.2025. He submits that at present, the dispute has been resolved by the Supreme Court in ***Kali Charan*** (supra). However, as the writ petition was preferred in the year 2011, at this stage the petitioner is pressing the relief under Section 24 (2) of the Act, 2013. He further makes submission that by no stretch of imagination, at present the petitioner can be estopped from challenging the award in appropriate proceeding.

7. Having considered the submissions advanced and upon perusal of the record, it transpires that insofar as the challenge to the impugned notifications dated 26.02.2009 and 19.02.2010 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 is concerned, the same is conclusively settled by the Division Bench of this Court and approved by the Apex Court in ***Kali Charan*** (supra). The Coordinate Bench, while disposing of the Writ-C No. 62594 of 2011 in light of the judgment in ***Kali Charan*** (supra), did not interfere with the acquisition proceedings and had given liberty only to the limited extent as indicated in paragraph 45 of the said judgment. For ready reference, paragraph no. 45 of the judgment in ***Kali Charan*** (supra), is reproduced below:-

"45. The question of non-issuance of the final award and its effect on the acquisition is left open ensuring that any affected party would retain the right to challenge or seek appropriate remedy on this specific issue independently, in accordance with law."

8. In view of the aforesaid facts and circumstances, we are of the considered view that the present writ petition, insofar as it seeks to challenge the acquisition proceedings or to claim lapse thereof under Sections 24 and 25 of the Act, 2013, is devoid of merit and is accordingly dismissed to that extent. However, it is observed that liberty has already been granted to the petitioner, as noticed above, to avail appropriate remedies in terms of paragraph 45 of the judgment of the Hon'ble Supreme Court in ***Kali Charan*** (supra), which the petitioner may pursue in accordance with law.

9. With the aforesaid observations, the writ petition stands **disposed of**.

March 31, 2026
Mukesh Kr.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)